

REMARKS

This is intended as a full and complete response to the Office Action dated February 13, 2009, having a shortened statutory period for response extended one month set to expire on June 13, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Priority

The Examiner indicated that the claim for priority cannot be based on an application filed in Australia on 1/24/2003 and a PCT application filed on 5/22/2003 since the pending application was filed more than twelve months thereafter. Since the pending application is a 371 of PCT/AU2003/000625 filed on 5/22/2003 within 12 months of AU 2003900325, Applicant believes that the priority claim is proper. If the Examiner requires further information or clarification regarding the priority claim, please contact the Applicants' undersigned representative at the number provided on page 12 of this response.

Specification

The Examiner objected to the abstract due to informalities. In response, Applicant has amended the abstract accordingly. Therefore, Applicant respectfully request the objection be removed.

Claim Objections

The Examiner objected to claim 11 because of informalities. In response, Applicant has amended claim 11 accordingly. Therefore, Applicant respectfully request the objection to the claims be removed.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 1-27 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner indicated that the claims use indefinite language, which makes it unclear as to what is being claimed. The Examiner

also indicated that the limitation of "the computing means" in claim 12 has insufficient antecedent basis. Further, the Examiner indicated that the phrase "disclosed in PC/AU02/00858" in claim 17 and the phrase "irrespective the number of EID reading means reads an EID" are unclear. Additionally, the Examiner indicated that the word "means" in claim 1 is unclear since no function is specified by the preceding word. In response, Applicant has amended the claims accordingly. Applicant respectfully requests the § 112 rejection of the claims be removed and allowance of the same.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 1, 9, 12, 18 and 27 under 35 U.S.C. § 102(b) as being anticipated by Schulte (U.S. 6,019,061). In response, Applicant has amended independent claim 1.

As amended, claim 1 includes the limitation that each EID reading means is adapted to read any EID passing through any one of the multiple pathways and the limitation that each EID is only recorded once, irrespective of the number of times the EID is read by any one of the EID reading means. Schulte fails to disclose these limitations. Schulte merely discloses an arrangement for managing a herd of freely walking animals, including a milking station and a separation area. The animals are identified by an identification apparatus in order to determine whether an animal should be separated from the herd into the separation area, or to determine the number of times the animal is milked or fed.

The animals within the arrangement of Schulte remain within the area for an extended time to allow for feeding and milking on several occasions throughout a day. Thus, each animal will approach the identification apparatus situated at the milking or a feeding station several times and each occasion must be recorded. In contrast, the identifying apparatus of the amended claims of the current invention records each EID only once, irrespective of the number of times the EID is read by any one of the EID reading means.

Schulte does not disclose the feature wherein each EID reading means is adapted to read any EID passing through any one of the multiple pathways. Indeed, given that the animals remain in proximity to the identification apparatus for an extended

period, and given that each visit of an animal to the milking station or a feeding station must be recorded, it would appear that the detection range of each identification apparatus must be restricted to a small area. Otherwise, animals merely passing a feeding station without entering it will be recorded. In the current invention, however, animals do not stay within close proximity of the identifying apparatus for an extended time and it is desired to record just the presence of each animal as they pass the identifying apparatus, rather than the number of times each animal approaches it. Thus, a large detection range of each EID reading means is appropriate which can read any EID passing through any one of the multiple pathways.

It is therefore clear that Schulte does not disclose the feature wherein each EID reading means is adapted to read any EID passing through any one of the multiple pathways or the feature where each EID is only recorded once, irrespective of the number of times the EID is read by any one of the EID reading means.

As set forth above, Schulte fails to teach or disclose all the limitations of claim 1. This failure precludes Schulte from anticipating the claim 1. Therefore, Applicant respectfully requests the 102(b) rejection of claim 1 be removed and allowance of the same. Additionally, the claims that depend from claim 1 are allowable for at least the same reasons as claim 1.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-6, 8-10 and 12-27 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Finlayson (U.S. 6,997,140) and Tucker (U.S. 5,959,526). In response, Applicant has amended independent claim 1.

As amended, claim 1 includes the limitation that each EID reading means is adapted to read any EID passing through any one of the multiple pathways. The combination of Finlayson and Tucker fails to disclose these limitations. As identified by the Examiner, Finlayson does not disclose a multiple of EID reading means positioned in a spaced apart relationship defining multiple pathways. It therefore follows, and can be seen by a reading of the citation, that Finlayson also does not disclose the feature wherein each EID reading means is adapted to read any EID passing through any one of the multiple pathways.

Tucker discloses a milking parlor system, including two banks of parallel milking stalls, each including an identification station. The focus of the invention is a method for correcting improperly identified cows by relating an expected milk weight value for each cow with the produced milk weight value from each milking stall. It is important that each cow be identified in order as they enter the bank of milking stalls. It is therefore crucial that the identification station for the first bank of milking stalls does not read cows passing into the second bank of milking stalls. Thus, the feature of wherein each EID reading means is adapted to read any EID passing through any one of the multiple pathways is not disclosed and, indeed, in no way suggested or taught by Tucker.

It is respectfully submitted that even if the feature found in Tucker of multiple EID reading means defining multiple pathways were to be combined with the disclosure of Finlayson, the feature of each EID reading means being adapted to read any EID passing through any one of the multiple pathways would not be obvious to one of ordinary skill in the art.

As the forgoing illustrates, the combination Finlayson and Tucker fails to render claim 1 obvious. Applicant therefore submits that claim 1 is in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection. Additionally, the claims that depend from claim 1 are allowable for at least the same reasons as claim 1.

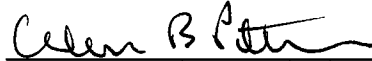
Allowable Subject Matter

The Examiner indicated that claims 7 and 11 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph. As set forth above, Applicant believes that claims 7 and 11 have been amended to overcome the § 112 rejection. Further, claims 7 and 11 depend from claim 1 and these claims are allowable for at least the same reasons as claim 1.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



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